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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
SIPPLE IV, EDWARD C

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *01/03/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2, 7-10, 14-20, and 22-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ellis (U.S. Application 10/927,814) in view of Rodriguez (U.S.

Application 09/947,890).

For Claim 1 Ellis teaches:

A system (Figures 2a and 27), comprising:

at least one video display (Fig. 3 Element 36);

at least one video file server (Fig. 27 Elem. 242, also Paragraphs [0182]

and [0184]), each video file server including a number of video files (Video file

servers are well known in the art to store video content within video files), each

video file including video content to be selectively displayed on the at least one

video display (Par. [0130] Lines 1-6 teaches ordering pay-per-view video, which

is selectively displayed video content);

at least one media server, each media server to communicate with one or more of the at least one video display (Fig. 3 Elem. 28 and Fig. 27 Elem. 248, also Par. [0080] Lines 6-11, and Par. [0085] Lines 1-11);

a web client to communicate with each media server through a network to configure (Fig. 2a Elem. 24, and Par. [0094] Lines 1-8)

Ellis does not teach:

at least one playlist in the media server, each playlist including at least one identifier to select one or more of the number of video files; and

each media server being adapted to pull video content from a selected video file in a selected video file server based on the playlist, and to translate the pulled video content into a video output signal suitable for display on the video display.

Rodriguez teaches:

at least one playlist in the media server (Fig. 9 Elem. 94 and Par. [0048] Lines 1-5, and Par. [0037] Lines 1-6, note video-on-demand content is requested), each playlist including at least one identifier to select one or more of the number of video files (Fig. 9 Elem. 99); and

each media server being adapted to pull video content from a selected video file in a selected video file server based on the playlist (Fig. 9 Elements 94 and 99 and Par. [0048] Lines 1-4, note that the viewer is able to select a video from the video-on-demand listing which initiates a pull request to the head end),

and to translate the pulled video content into a video output signal suitable for display on the video display (Fig. 2 Elem. 28, and Par. [0027] Lines 1-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the video-on-demand playlist, and corresponding conversion of pulled video-on-demand content into a suitable display signal features taught by Rodriguez within the program guide media system taught by Ellis.

The motivation would have been to enable viewers to have remote access to video-on-demand programming in addition to regular broadcasted media.

For Claim 2 as discussed in independent Claim 1 Ellis further teaches:

each playlist further includes logical actions related to playing the files (Par. [0103]).

For Claim 7 is discussed in Claim 2 Ellis further teaches:

the logical actions further include a timed duration of playing the files (Par. [0101] Lines 14-22).

For Claim 8 is discussed in Claim 2 Ellis further teaches:

the logical actions further include a time to initiate playing the files (Par. [0101] Lines 14-22, note scheduling programs for play back involves setting an initiation time).

For Claim 9 is discussed in Claim 2 Ellis further teaches:

the logical actions further include a time to terminate playing the files (Par.

[0101] Lines 14-22, note scheduling programs for play back involves setting a termination time).

For Claim 10 is discussed in Claim 2 Rodriguez further teaches:

the logical actions further include a number of times to play the files (Fig. 11 Elements 111, 112, 113, 115; and Par. [0051]).

For Claim 14 as discussed in independent Claim 1 Ellis further teaches:

the video file further includes audio content (Par. [0189] Lines 1-9).

For Claim 15 as discussed in independent Claim 1 Ellis further teaches:

the video content includes any combination from the set of Power Point, J-Peg, Video Clip, or Web formats (Par. [0184]).

For Claim 16 Ellis teaches:

A media server (Fig. 3 Elem. 28 and Fig. 27 Elem. 248, also Par. [0080] Lines 6-11, and Par. [0085] Lines 1-11), comprising:

a memory to store at least one playlist (Fig. 3 Elem. 31 and Par. [0083]) and logical actions related to playing the selected video content (Par. [0015]) Ellis does not teach:

each playlist including:

a list of identifiers for video files, each video file including video content to be selectively displayed on at least one video display;

a file server location of the video files; and

a processor executing software to retrieve the selected video content according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display.

Rodriguez teaches:

each playlist (Fig. 9 Elem. 94 and Par. [0048] Lines 1-5) including:

a list of identifiers for video files (Fig. 9 Elem. 99), each video file including video content to be selectively displayed on at least one video display (Fig. 9 Elements 94 and 99 and Par. [0048] Lines 1-4);

a file server location of the video files (The video presentations such as Fig. 9 Elem. 94 necessarily have a file server location associated with them.); and

a processor (Fig. 2 Element 24) executing software to retrieve the selected video content according to the playlist (Par. [0048] Lines 1-5) and to function as a conversion agent to translate the selected video content into a video signal suitable for display (Fig. 2 Elem. 28, and Par. [0027] Lines 1-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the video-on-demand playlist, and corresponding pulling and conversion of content according to the playlist into a suitable display signal features taught by Rodriguez within the media server taught by Ellis.

The motivation would have been to enable the media server taught by Ellis to provide video-on-demand programming from a VOD playlist so as to enable viewers to have immediate access to such video content.

For Claim 17 is discussed in independent Claim 16 Ellis further teaches:

the processor executes the at least one playlist based on the logical actions (Par. [0015] and Par. [0018], note parental controls place limits on the playlist thereby influencing the execution of video content in the playlist) and wherein the logical actions depend in part on inputs external to the media server (Par. [0018]).

For Claim 18 is discussed in Claim 17 Ellis further teaches:

the inputs external to the media server are mapped into application specific commands depending on the format of the video file (Par. [0020] and Par. [0176], note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server.)

For Claim 19 is discussed in Claim 18 Rodriguez further teaches:

the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide,

Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (Par. [0052]

Lines 1-10).

For Claim 20 is discussed in Claim 19 Elllis further teaches:

the inputs external to the media server include messages received from

the network (Par. [0018]).

For Claim 22 is discussed in Claim 19 Elllis further teaches:

the inputs external to the media server include a prompt (Par. [0127]

Lines 1-12).

For Claim 23 is discussed in independent Claim 16 Elllis further teaches:

the at least one playlist is stored on the media server (Par. [0082] Lines 1-

3 and Par. [0083] Lines 1-3).

For Claim 24 is discussed in independent Claim 16 Elllis further teaches:

the media server includes a memory capable of storing a video file (Fig.

3 Elem. 31, with Par. [0083] Lines 1-3 and Par. [0085] Lines 12-17).

For Claim 25 Ellis teaches:

A method of distributing video information (Fig. 27 and Par. [0022] Lines

10-21), comprising:

from a first network location (Fig. 1 Elem. 24) configuring a program guide

(Par. [0014])

video files being stored in at least one second network location (Fig. 27

Elements 238 and 242, with Par. [0184]); and

a third network location (Fig. 3 Elem. 28 and Fig. 27 Elem. 248),

Ellis does not teach:

A method of distributing video information, comprising:

from a first network location, configuring a playlist of video files, the video

files being stored in at least one second network location; and

from a third network location, executing the playlist, where executing

includes:

pulling video content associated with a video file from the second

network location according to the playlist; and

translating the video content into a video output signal suitable for display.

Rodriguez teaches:

a playlist of video files (Fig. 9 Elem. 94),

executing the playlist, where executing includes:

pulling video content associated with a video according to the playlist (Fig. 9 and

Par. [0048] Lines 1-3); and

translating the video content into a video output signal suitable for display (Fig. 2

Elem. 28, and Par. [0027] Lines 1-10).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention to incorporate the video-on-demand playlist, and corresponding

conversion of pulled content according to the playlist into a suitable display signal

features taught by Rodriguez within the network locations of the media system taught by

Ellis.

The motivation would have been to enable the remote access media system

taught by Ellis to provide video-on-demand programming from a VOD playlist so as to

enable viewers to have immediate access to such video content.

For Claim 26 as discussed in independent Claim 25, Ellis further teaches:

executing the playlist further includes executing logical actions associated

with initiation of display and termination of display of the video files (Par. [0101]

Lines 14-22, note scheduling programs for play back involves setting both an

initiation and termination time).

For Claim 27 as discussed in Claim 26, Ellis further teaches:

executing logic actions includes the third location receiving external inputs

that are mapped into application specific commands (Par. [0020] and

Par. [0176], note Ellis teaches remote access to non-program-guide applications,

including a web browser which is well known to one of ordinary skill in the art to

display video clips. The remote control functions through Elem. 24 would

necessarily be mapped according to the application running on the media

server.)

For Claim 28 as discussed in Claim 27, Ellis further teaches:

executing logic actions includes the third location receiving logic actions

from the first location (Par. [0015] and Par. [0018]).

For Claim 29 as discussed in Claim 27, Rodriguez further teaches:

the application specific commands include any combination from the set

of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide,

Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (Par. [0052]

Lines 1-10).

For Claim 30 as discussed in Claim 25, Ellis further teaches:

the first network location includes a web client (Par. [0092] and Par.

[0093]).

For Claim 31 as discussed in Claim 25, Ellis further teaches:

the second network location includes a video file server (Fig. 27

Elements 238 and 242, with Par. [0184]).

For Claim 32 as discussed in Claim 25, Ellis further teaches:

the third location includes a media server (Fig. 3 Elem. 28 and Fig. 27

Elem. 248; with Par. [0083] Lines 1-3, and Par. [0084]).

For Claim 33 as discussed in Claim 32, Ellis further teaches:

the first network location includes a computer [Par. 0092] and configuring

a playlist includes:

downloading an existing playlist from the media server at the third location

to the computer (Par. [0071] Lines 5-16);

editing the playlist (Par. [0107]); and

uploading the edited playlist from the computer to the media server (Par. [0105]

Lines 1-5).

2.   Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ellis (U.S. Application 10/927,814) in view of Rodriguez (U.S. Application

09/947,890) further in view of Pendakur (U.S. Application 10/044,544).

For Claim 3 as discussed in Claim 2, Ellis in view of Rodriguez does not explicitly

teach:

the logical actions execute in the media server as a decision tree.

Pendakur teaches:

the logical actions execute in the media server as a decision tree (Fig. 9,

also Par. [0059] and [0060]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention to execute the playlist as a decision tree as taught by Pendakur

within the media server taught by Ellis in view of Rodriguez.

The motivation would have been to allow the logic actions to dictate the

execution of the playlist.

For Claim 4 is discussed in Claim 3 Ellis further teaches:

the media server executes the at least one playlist based on the logical

actions (logical actions such as parental control settings as taught in Par. [0107]

Lines 6-15, are understood by those of ordinary skill in the art to block specific

content in the playlist; hence the playlist is executed with respect to logical

actions), and wherein the logical actions are configured at least in

part by the web client (Par. [0107]).

For Claim 5 is discussed in Claim 4 Ellis further teaches:

the logical actions are configured at least in part in real time by a user

using the web client (Par. [0018], note remotely sending a message and blocking

currently displayed video content on the playlist is an explicit example of real time

configuration).

For Claim 6 is discussed in Claim 4 Ellis further teaches:

logical actions further include inputs external to the media server (Par.

[0018] and Par. [0107]).

For Claim 11 is discussed in Claim 6 Ellis further teaches:

the inputs external to the media server are mapped into application

specific commands according to the format of the video file (Par. [0020] and Par.

[0176], note Ellis teaches remote access to non-program-guide applications,

including a web browser which is well known to one of ordinary skill in the art to

display video clips. The remote control functions through Elem. 24 would

necessarily be mapped according to the application running on the media

server.)

3.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ellis (U.S. Application 10/927,814) in view of Rodriguez (U.S. Application

09/947,890) further in view of Pendakur (U.S. Application 10/044,544) and further in

view of Brooks (U.S. Application 09/956,688).

For Claim 12 as discussed in Claim 11,

Ellis in view of Rodriguez further in view of Pendakur does not teach:

        the inputs external to the media server include a motion sensor.

Brooks teaches:

        the inputs external to the media server include a motion sensor (Par.

[0036]).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention to incorporate the motion sensor taught by Brooks within the video

system taught by Ellis in view of Rodriguez further in view of Pendakur.

The motivation would have been to enable the media server to determine the

presence of any viewers; this would enable the media server to power-down and save

energy if no viewers were watching video programming.

For Claim 13 as discussed in Claim 11,

Ellis in view of Rodriguez further in view of Pendakur does not teach:

the inputs external to the media server include a proximity sensor.

Brooks teaches:

the inputs external to the media server include a proximity sensor (Par.

[0036], note an infrared sensor can detect both the presence and proximity of a

person).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention to incorporate the proximity sensor taught by Brooks within the

video system taught by Ellis in view of Rodriguez further in view of Pendakur.

The motivation would have been to enable the media server to determine if there

were any viewers within a given distance; this would enable the media server to power-

down and save energy if no viewers were nearby to view video programming.

4.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis

(U.S. Application 10/927,814) in view of Rodriguez (U.S. Application 09/947,890) further

in view (Brooks U.S. Application 09/956,688).

For Claim 21 as discussed in Claim 19, Ellis in view of Rodriguez does not teach:

the inputs external to the media server include one of a proximity sensor

and a motion sensor.

Brooks teaches:

the inputs external to the media server include one of a proximity sensor

and a motion sensor (Par. [0036], note an infrared sensor can detect both the

presence and proximity of a person).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity and motion sensors taught by Brooks within the video system taught by Ellis in view of Rodriguez.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view programming.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward C. Sipple IV whose telephone number is 571 270 3414. The examiner can normally be reached on M-F 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached at 571 272 7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ES
09/25/2007

HAI TRAN
PRIMARY EXAMINER